

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:11CR165
	)	
v.	)	
	)	
ROCIO CHAVEZ,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the findings and recommendation of the magistrate judge (Filing No. [40](#)), in which the magistrate judge recommends that defendant's motion to dismiss (Filing No. [26](#)) should be denied and the motion to suppress evidence (Filing No. [27](#)) should be granted. The Court has reviewed the transcript of the evidence received by the magistrate judge, the defendant's objections to the findings and recommendation (Filing No. [41](#)) and the supporting brief (Filing No. [42](#)).

The Court finds that the magistrate judge's findings and recommendations should be approved and adopted by the Court. Accordingly,

IT IS ORDERED:

- 1) The findings and recommendation of the magistrate judge are approved and adopted.
- 2) The motion to dismiss is denied.

3) The motion to suppress evidence is granted with regard to the illegal search of her purse and evidence derived from such search.

4) Trial of this matter is scheduled for:

**Tuesday, January 10, 2012, at 9 a.m.**

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. This will give the parties time to pursue plea negotiations or prepare for trial, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendants in a speedy trial. The additional time between November 16, 2011, and January 10, 2012, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h) (8) (A) & (B).

DATED this 16th day of November, 2011.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court